

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ISMAEL A. REYES,

Plaintiff,

-v.-

SMALL BUSINESS ADMINISTRATION; ISABEL  
GUZMAN, *in her official capacity as  
Administrator of the Small Business  
Administration*, JANET YELLEN; and THE  
UNITED STATES OF AMERICA,

Defendants.

22 Civ. 6765 (KPF)

**ORDER OF SERVICE**

KATHERINE POLK FAILLA, District Judge:

Plaintiff, who is appearing *pro se*, brings this action asserting claims in connection with the United States Small Business Administration's denial of his applications for programs created by the Coronavirus Aid, Relief, and Economic Stabilization Act (CARES Act), Pub. L. 116-136, § 1110, 134 Stat. 281 (Mar. 27, 2020): an Economic Injury Disaster Loan (EIDL) and an EIDL targeted advance grant.

By order dated August 12, 2022, the Court granted Plaintiff's request to proceed *in forma pauperis* (IFP), that is, without prepayment of fees.

**DISCUSSION**

To allow Plaintiff, who is proceeding *in forma pauperis*, to effect service on Defendants United States Small Business Administration (SBA), SBA Administrator Isabel Guzman, the United States of America, and Secretary of the Treasury Janet Yellen through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each of these defendants. The Clerk of Court is further instructed to: (1) mark the box on the USM-285 form labeled

“Check for service on U.S.A.”; and (2) issue a summons and deliver to the Marshals Service a copy of this order and all other paperwork necessary for the Marshals Service to effect service on the United States.

It is Plaintiff’s responsibility to ensure that service is made within 90 days of the date the summons is issued and, if necessary, to request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012). Plaintiff also must notify the Court in writing if Plaintiff’s address changes, and the Court may dismiss the action if Plaintiff fails to do so.

### **CONCLUSION**

The Clerk of Court is instructed to complete the USM-285 forms with the addresses for Defendants SBA, SBA Administrator Isabel Guzman, the United States of America, and Secretary of the Treasury Janet Yellen and deliver to the U.S. Marshals Service all documents necessary to effect service.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

**DEFENDANTS AND SERVICE  
ADDRESSES**

1. United States Small Business Administration  
409 3rd Street, SW  
Washington, DC 20416
2. Isabella Casillas Guzman  
Administrator  
United States Small Business Administration  
409 3rd Street, SW  
Washington, DC 20416
3. Janet Yellen  
Secretary of the Treasury  
United States Department of the Treasury  
1500 Pennsylvania Avenue  
Washington, DC 20220
4. United States of America  
United States Attorney, Southern District of  
New York Civil Division  
86 Chambers Street, Third Floor  
New York, New York 10007

SO ORDERED.

Dated: October 18, 2022  
New York, New York



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KATHERINE POLK FAILLA  
United States District Judge